

ESTTA Tracking number: **ESTTA771144**

Filing date: **09/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Case Management Group, LLC		
Entity	Limited Liability Company	Citizenship	Georgia
Address	200 Washington St. NW; Ste B Gainesville, GA 30501 UNITED STATES		

Correspondence information	Bryan Bockhop Attorney for Petitioner Bockhop Intellectual Property Law, LLC 2375 Mossy Branch Drive Snellville, GA 30078 UNITED STATES bwb@bockpatent.com Phone:678-919-1075
----------------------------	---

### Applicant Information

Application No	86218624	Publication date	08/30/2016
Opposition Filing Date	09/16/2016	Opposition Period Ends	09/29/2016
Applicant	Anderson, Kristen 8800 old colony way apt 3A Alexandria, VA 22309 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Retail store and online retail store services featuring clothing, jewelry, handbags, messenger bags, scarves, hats, legwarmers, armwarmers, fabric cuffs, shoes, eyeglass cases, and picture frames
--

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	87147466	Application Date	08/23/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DRESSUP		

Design Mark	<h1>DRESSUP</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2009/08/31 First Use In Commerce: 2009/08/31 Belts; Boots; Bottoms; Bras; Dresses; Hats; Scarves; Tops Class 035. First use: First Use: 2009/08/31 First Use In Commerce: 2009/08/31 Retail clothing boutiques; Retail clothing stores

Attachments	87147466#TMSN.png( bytes ) C019G002_Pleading.pdf(110504 bytes )
-------------	--

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Bryan Bockhop/
Name	Bryan Bockhop
Date	09/16/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

---

In the matter of **Trademark Registration No. 86/218624**

For the mark: **“DRESS UP!”**

Date Filed: **03/12/2014**

**Case Management Group, LLC** (Petitioner)

**v.**

**Kristen Anderson** (Respondent)

---

**PLEADING OF PETITIONER CASE MANAGEMENT GROUP, LLC**

---

Now comes the undersigned and pleads the following:


1. Petitioner Case Management Group, LLC is a Georgia limited liability company with a place of business at 200 Washington St. NW; Ste. B, Gainesville, Georgia 30501
2. On information and belief, Respondent Kristen Anderson, the applicant of U.S. Trademark Application Serial No. 86/218624 (“the ‘624 Application”), is an individual whose address is 8800 Old Colony Way; Apt. 3A, Alexandria, VA 22309.
3. The ‘624 Application seeks to register “DRESS UP!” under class 035 for “Retail store and online retail store services featuring clothing, jewelry, handbags, messenger bags, scarves, hats, armwarmers, fabric cuffs, shoes, eyeglass cases, and picture frames.”
4. The ‘624 Application was filed under 35 U.S.C §1051(b) as an “intent to use” application. Upon information and belief, no amendment to allege use has been filed yet by Respondent.
5. Petitioner owns a chain of clothing stores associated with the trademark “DRESSUP” and has been using its mark continuously in commerce since no later than August 31, 2009. Each of Petitioner’s stores prominently displays its “DRESSUP” trademark in the signage at the entrance to each of its stores and labels most of the products sold in its stores with the “DRESSUP” trademark. Petitioner currently operates over 14 clothing stores in three states under its “DRESSUP” trademark. Petitioner also operates an on-line clothing store under its “DRESSUP” trademark. Additionally, all of the advertising released by Petitioner prominently bears its “DRESSUP” trademark. Therefore, Petitioner’s mark is well-known and distinctive.
6. On August 23, 2016, Petitioner filed US Trademark Application Serial No. 87/147466 for

“DRESSUP” for “Retail clothing boutiques; Retail clothing stores” in class 035 (“the ‘466 Application”).

7. Given Petitioner’s continuous use of its “DRESSUP” trademark in interstate commerce for over seven years and the ‘624 Application having been filed under §1(b) as an “intent to use” application, Petitioner has senior rights in the “DRESSUP” trademark.
8. Petitioner believes that it will be harmed if the ‘624 Application were to be allowed to proceed to registration. Issuance of the ‘624 Application will likely give rise to a “likelihood of confusion” refusal of Petitioner’s ‘466 Application under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). This belief is for several reasons, including: the respective marks are virtually identical; both applications recite nearly identical goods; and both applications are filed in the same class.
9. Petitioner also believes that if the ‘624 Application were to be allowed to proceed to registration, a resulting registration and any use of the mark by Respondent would give rise to a substantial likelihood confusion with Petitioner’s trademark.
10. Petitioner also believes that a registration issuing from the ‘624 Application would dilute Petitioner’s trademark.

Wherefore, Petitioner prays that the mark in the ‘624 Application not be registered and that the ‘624 Application be deemed abandoned.

Executed on the date written below:

By		<u>September 16, 2016</u>
	Bryan W. Bockhop	Date
	Attorney for Petitioner	

**Proof of Service**

I hereby certify that I have served respondent with this paper and a copy of the Petition, sent by U.S. Mail with sufficient postage to ensure delivery on September 16, 2016 addressed to:

Kristen Anderson  
8800 Old Colony Way; Apt. 3A  
Alexandria, VA 22309

By  September 16, 2016  
Bryan W. Bockhop Date  
Attorney for Petitioner